

ORIGINAL

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EX PARTE OR LATE FILED

JOHN E. LOGAN PLLC  
ATTORNEY AT LAW

March 5, 2002

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

MAR - 5 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex Parte Submission  
GN Docket No. 00-185

Dear Mr. Caton:

This letter is to notify you that yesterday the attached letters relating to the Commission's consideration in GN Docket No. 00-185 were submitted to Mr. W. Kenneth Ferree, Chief, Services Bureau, Ms. Sarah Whitesell, Associate Chief, Cable Services Bureau, Mr. James D. Schlichting, Deputy Chief, Wireless Telecommunications Bureau, Ms. Kris Montieth, Chief, Policy and Rules Division, Wireless Telecommunications Bureau, and David Siehl, Attorney, Policy and Rules Division, Wireless Telecommunications Bureau.

The necessary copies are enclosed.

Respectfully,



Copy to:

Mr. Ferree, Ms. Whitesell, Mr. Schlichting, Ms. Montieth, and Mr. Siehl  
Attachment

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

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VIA FACSIMILE

March 4, 2002

Mr. W. Kenneth Ferree  
Chief  
Cable Service Bureau  
Federal Communications Commission  
Washington, D.C. 20054

Re: Ex Pare Submission  
Notice of Inquiry- *In re High Speed Access to the Internet  
Over Cable and Other Facilities*  
GN Docket No. 00-185

Dear Mr. Ferree:

Pending before the Commission is its examination of competitor access to cable modems and other facilities. The American Automobile Association (AAA) filed comments urging the Commission to expand this proceeding to encompass access to a totally unrelated technology, wireless automotive telematics. AAA also made this plea in two other proceedings, *Implementation of the 911 Act*, WT Docket 00-110 and CC Docket 92-105, *Use of N11 Codes and Other Abbreviated Dialing Arrangements*. In its Order addressing the 911 Act and Use of N11 Codes, the Commission stated that it would address the merits of AAA's contention in the cable access proceeding, GN Docket No. 00-185.<sup>1</sup>

On behalf of ATX Technologies, Inc, which provides wireless telematics technology and services to several automobile manufacturers, we urge the Commission to dismiss AAA's plea to regulate the automotive telematics industry. The matters are outside the scope of the cable access proceeding. There is no connection between the technology of cable modems and the myriad of interests surrounding access to these facilities and the wireless voice and data transmission that locates and communicates with the occupants of a vehicle involved in accident or when a driver faces an emergency.

**Dallas**  
Corporate Headquarters  
8550 Freeport Parkway  
Irving, TX 75063-2547  
Tel 972.753.6486  
Fax 972.753.6400

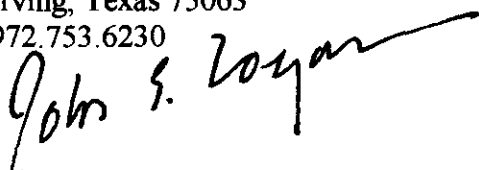
<sup>1</sup> *In the Matter of Implementation of 911 Act, et al.*, WT Docket 00-110, CC Docket 92-105, First Report and Order, FCC 01-351 (December 11, 2001) at para. 3, footnote 4.

Automotive telematics technology and services is at a burgeoning stage with several entities competing. It has evolved not from a regulatory regime advocated by one of the participants, but by competitors. Any consideration to regulate it contradicts the Commission's established principle that consumers, not regulation, determine the winners in the marketplace.

Failing to dismiss AAA's proposal will be a disincentive to private investment. It will serve as a premise that instead of pursuing better technology and higher quality services, a better return can be obtained by stifling competitors through unjustified regulation. The AAA request should be dismissed.<sup>2</sup>

Respectfully,

Gary Wallace  
Vice President for External Affairs  
ATX Technologies, Inc  
8550 Freeport Parkway  
Irving, Texas 75063  
972.753.6230



John E. Logan  
Counsel for ATX Technologies, Inc.  
1050 Connecticut Avenue, NW  
Washington, D.C. 20036  
202.772.1981

Copy Provided to:

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission

Ms. Sarah Whitesell  
Associate Bureau Chief  
Cable Services Bureau

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<sup>2</sup> AAA's proposal was filed on January 10, 2001 in three dockets, GN Docket 00-185, WT Docket 00-110, and CC Docket 92-105. ATX's response was filed on February 16, 2001 in these same dockets.



VIA FACSIMILE

March 4, 2002

Mr. James D. Schlichting  
Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
Washington, D.C. 20054

Re: Ex Pare Submission  
Notice of Inquiry- *In re High Speed Access to the Internet  
Over Cable and Other Facilities*  
GN Docket No. 00-185

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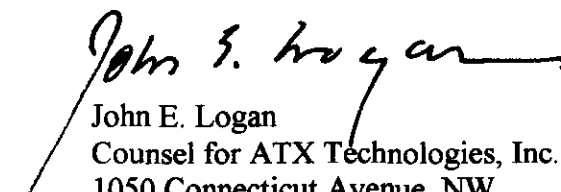
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Gary Wallace  
Vice President for External Affairs  
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